

FIRST REGULAR SESSION

# SENATE BILL NO. 120

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAY.

0553S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 287.067, RSMo, and to enact in lieu thereof one new section relating to establishing post-traumatic stress disorder as an occupational disease.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 287.067, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 287.067,  
3 to read as follows:

287.067. 1. In this chapter the term "occupational  
2 disease" is hereby defined to mean, unless a different  
3 meaning is clearly indicated by the context, an identifiable  
4 disease arising with or without human fault out of and in  
5 the course of the employment. Ordinary diseases of life to  
6 which the general public is exposed outside of the  
7 employment shall not be compensable, except where the  
8 diseases follow as an incident of an occupational disease as  
9 defined in this section. The disease need not to have been  
10 foreseen or expected but after its contraction it must  
11 appear to have had its origin in a risk connected with the  
12 employment and to have flowed from that source as a rational  
13 consequence.

14 2. An injury or death by occupational disease is  
15 compensable only if the occupational exposure was the  
16 prevailing factor in causing both the resulting medical  
17 condition and disability. The "prevailing factor" is  
18 defined to be the primary factor, in relation to any other

19 factor, causing both the resulting medical condition and  
20 disability. Ordinary, gradual deterioration, or progressive  
21 degeneration of the body caused by aging or by the normal  
22 activities of day-to-day living shall not be compensable.

23 3. An injury due to repetitive motion is recognized as  
24 an occupational disease for purposes of this chapter. An  
25 occupational disease due to repetitive motion is compensable  
26 only if the occupational exposure was the prevailing factor  
27 in causing both the resulting medical condition and  
28 disability. The "prevailing factor" is defined to be the  
29 primary factor, in relation to any other factor, causing  
30 both the resulting medical condition and disability.  
31 Ordinary, gradual deterioration, or progressive degeneration  
32 of the body caused by aging or by the normal activities of  
33 day-to-day living shall not be compensable.

34 4. "Loss of hearing due to industrial noise" is  
35 recognized as an occupational disease for purposes of this  
36 chapter and is hereby defined to be a loss of hearing in one  
37 or both ears due to prolonged exposure to harmful noise in  
38 employment. "Harmful noise" means sound capable of  
39 producing occupational deafness.

40 5. "Radiation disability" is recognized as an  
41 occupational disease for purposes of this chapter and is  
42 hereby defined to be that disability due to radioactive  
43 properties or substances or to Roentgen rays (X-rays) or  
44 exposure to ionizing radiation caused by any process  
45 involving the use of or direct contact with radium or  
46 radioactive properties or substances or the use of or direct  
47 exposure to Roentgen rays (X-rays) or ionizing radiation.

48 6. Disease of the lungs or respiratory tract,  
49 hypotension, hypertension, or disease of the heart or  
50 cardiovascular system, including carcinoma, may be

51 recognized as occupational diseases for the purposes of this  
52 chapter and are defined to be disability due to exposure to  
53 smoke, gases, carcinogens, inadequate oxygen, of paid  
54 firefighters of a paid fire department or paid police  
55 officers of a paid police department certified under chapter  
56 590 if a direct causal relationship is established, or  
57 psychological stress of firefighters of a paid fire  
58 department or paid peace officers of a police department who  
59 are certified under chapter 590 if a direct causal  
60 relationship is established.

61 7. Any employee who is exposed to and contracts any  
62 contagious or communicable disease arising out of and in the  
63 course of his or her employment shall be eligible for  
64 benefits under this chapter as an occupational disease.

65 8. With regard to occupational disease due to  
66 repetitive motion, if the exposure to the repetitive motion  
67 which is found to be the cause of the injury is for a period  
68 of less than three months and the evidence demonstrates that  
69 the exposure to the repetitive motion with the immediate  
70 prior employer was the prevailing factor in causing the  
71 injury, the prior employer shall be liable for such  
72 occupational disease.

73 9. (1) (a) **Posttraumatic stress disorder (PTSD), as**  
74 **described in the Diagnostic and Statistical Manual of Mental**  
75 **Health Disorders, Fifth Edition, published by the American**  
76 **Psychiatric Association, (DSM-5) is recognized as a**  
77 **compensable occupational disease for purposes of this**  
78 **chapter when diagnosed in a first responder, as that term is**  
79 **defined under section 67.145.**

80 (b) **Benefits payable to a first responder pursuant to**  
81 **this section shall not require a physical injury to the**  
82 **first responder, and are not subject to any preexisting PTSD.**

83           (2) The time for notice of injury or death in cases of  
84           compensable PTSD pursuant to this section is measured from  
85           exposure to one of the qualifying stressors listed in the  
86           DSM-5 criteria, or the diagnosis of the disorder, whichever  
87           is later. Any claim for compensation for such injury shall  
88           be properly noticed to the division within fifty-two weeks  
89           after the qualifying exposure, or the diagnosis of the  
90           disorder, whichever is later.

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